

Adoption Proceedings

Abstract

This thesis deals with the current legal regulation of adoption proceedings. Adoption proceedings are one of the non-contentious proceedings which are initiated on basis of motion and in which court decides on the personal status of the adoptee and adopter. The thesis is divided into 5 parts in which the procedural and substantive regulation of adoption is discussed with the aim to provide an explanation of adoption proceedings as the legal regulation of this institute does not fully respect the division of the law into substantive and procedural.

After a brief introduction, the first part is devoted to the historical excursion in which I describe the basics of the adoption as set by the ancient Roman law. In the longest chapter of first part I focus on the interpretation of the development of adoption after the establishment of the Czechoslovak Republic and the change of the position of court in the process of adoption. The concept of adoption is defined in the second part of this thesis and after that I focus on international treaties and laws that govern adoption in the Czech legal order.

In the third part I describe the prerequisites for adopting a minor as set by substantive law with an emphasis on regulation regarding consent to adoption and pre-adoption custody of the child. I pay special attention to the means of the parent and other participants of the adoption proceedings to withdraw their consent to adoption.

The following part deals with the adoption proceedings of a minor which is regulated by Act No. 292/2013 Coll., On Special Court Proceedings and Act No. 89/2012 Coll., The Civil Code. I focus on the position of parents of the adoptee and adoptee's biological family in addition to description of individual types of adoption proceedings which also includes adoption proceeding.

In the fifth part I analyse the adoption proceedings of an adult which can be in the form of adoption of an adult which is similar to the adoption of a minor, or in the form of adoption of an adult, which is not similar to the adoption of a minor. I am aiming to interpret procedural norms by applying the provisions of the Civil Code in this part of the thesis because of the different view of substantive and procedural law on this institute.

Key words:

Adoption Proceedings, adopter, adoptee